

REMARKS

Claims 2-10, 25, 33, and 41 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2-8, 24, and 39-50 of copending Application No. 10/390,973. Applicants submit herewith a Terminal Disclaimer disclaiming any portion of a patent issuing on the present invention which would extend beyond the terms of U.S. Serial No. 10/390,973. The Terminal Disclaimer is believed to overcome this rejection.

Claims 2, 19, and 20-24 were rejected under 35 USC § 102(a) as being anticipated by Wang et al., Chemical Materials, (2003), Vol. 15, pages 1913-1917. Claims 2 and 18-24 were rejected under 35 USC § 103(a) as being unpatentable over Onikubo et al. (JP 10-251633). Claim 2 was rejected under 35 USC § 103(a) as being unpatentable over Eguchi et al. (JP 61-043689).

Claim 2 defines a specific structure of a dihydrophenazine. The Examiner's attention is drawn to the structure depicted in claim 2 wherein each nitrogen is connected by three single bonds making both nitrogens sp^3 hybridized according to molecular orbital theory. In all of the references cited by the Examiner, none of the compounds are dihydrophenazines, but are phenazines. In a phenazine the nitrogens have one double bond and one single bond making both nitrogens sp^2 hybridized according to molecular orbital theory. Phenazines and dihydrophenazines are well known to the different classes of compounds which have different properties. The use of a phenazine does not suggest the use of a dihydrophenazine, nor is there any motivation to use a dihydrophenazine in the context of claim 2.

Turning now to Wang et al., the material cited by the Examiner is clearly a phenazine. The moiety that has an sp^3 hybridized nitrogen is not a dihydrophenazine. Clearly, the structures are so different that Wang et al. provide no suggestion of the structure in claim 2.

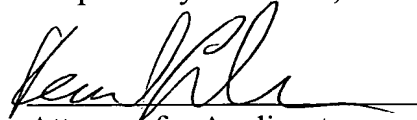
The Examiner makes reference to structure A-46 in Onikubo et al. Here again, this is not a dihydrophenazine, but a phenazine. Clearly, there is no motivation for the structure shown in this reference.

Eguchi et al., in Compound E, again depicts a phenazine and not a dihydrophenazine as set forth in claim 2.

Applicants can find no motivation in any of the cited references for the dihydrophenazine structure found in claim 2. Accordingly, it is believed claim 2 defines unobvious subject matter and should be allowable.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ray L. Owens', written over a horizontal line.

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